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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,000	12/03/2001	Keith Reynolds Wehmeyer	RCA 89027	2059

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,000	Applicant(s) WEHMEYER, KEITH REYNOLDS	
	Examiner Jason P. Salce	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 6-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. The examiner has reviewed Applicant's request for reconsideration of the restriction requirement. Although Applicant has amended the claims they are still distinct inventions. Claims 1-5 correspond to an Internet receiver that receives electronic program guide from multiple sources and provides a combined output to a display, while claims 6-8 correspond to a digital video receiver that receives program guide data and internet content from a digital satellite source and transmits the internet content and the program guide data over a data link to an internet receiver for display. The claims are still directed to two separate and distinct components of a video display system.

The examiner notes that this restriction requirement is made Final.

This application contains claims 6-8 drawn to an invention nonelected with traverse in the previous Non-Final Office Action. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

2. Further the applicant has added claims 11-14, which corresponds to the digital video receiver claims 6-8. Therefore, these claims are also rejected by original presentation.

Newly submitted claims 11-14 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

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Claims 11-14 corresponds to the same distinct invention represented by claims 6-8.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-14 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 5,801,787) in view of Kaplan (U.S. Patent No. 6,058,430).

Referring to claim 1, Schein discloses a stand-alone receiver for receiving analog program information including first program guide information (see cable box 16 in

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Figure 1 and Column 4, Lines 25-39 for receiving first program guide data from the signal received by the cable box 16), coupled to a stand-alone digital video receiver for receiving digital program information including second program guide information (see DBS receiver 18 in Figure 1 and Column 4, Lines 25-39 for receiving second program guide data from the signal received by the DBS receiver 18).

Schein also discloses receiving first program guide information from a first signal source (see again Column 4, Lines 25-39).

Schein also discloses receiving the second program guide information from the stand-alone digital video receiver (see again Column 4, Lines 25-39), wherein the stand-alone digital video receiver receives the second program guide information from a second signal source (see the second signal source received by the DBS receiver 18 being a satellite dish 32 in Figure 1).

Schein also discloses integrating the first program guide information with the second program guide to form the combined program guide (see Column 4, Lines 40-54 for combining the program guide data from multiple sources).

Schein also discloses outputting data representative of the combined program guide to a display device (see Figure 2 and Column 4, Line 64 through Column 5, Line 7).

Although Schein discloses receiving Internet data from an Internet source (see Column 2, Lines 39-40 and Line 50), Schein fails to disclose that the stand-alone receiver also receives Internet data.

Kaplan discloses a stand-alone Internet receiver for receiving both Internet data and analog program information (see Figure 1 and Column 4, Lines 22-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the stand-alone cable box receiver, as taught by Schein, to further receive Internet information through the VBI of the analog signal received by the cable box (thereby providing an internet receiver), as taught by Kaplan, for the purpose of providing a user with economical, efficient and easy access to the Internet (see Column 3, Lines 14-15 of Kaplan).

Claim 2 corresponds to claim 1, where Schein further discloses that the stand-alone digital video receiver receives the second program guide information via a digital data stream, and the stand-alone Internet receiver receives the first program guide information via a vertical blanking interval of an analog signal (see Column 4, Lines 49-53).

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 5,801,787) in view of Kaplan (U.S. Patent No. 6,058,430) in further view of Sampsell (U.S. Patent No. 6,219,839).

Referring to claim 3, Schein and Kaplan disclose all of the limitations of claim 1, as well as Schein disclosing linking a communications input/output port of the stand-alone digital video receiver with a communications input/output port of the stand-alone (internet) receiver, wherein the linking step includes establishing a bus connection (see Column 4, Lines 2-6 for utilizing a bus interface connection for linking all of the

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components together), but fails to teach at least one of a high speed data bus or a low speed data bus.

Sampsell discloses a similar system for integrating program guide data together from different sources (see Figures 1 and 6) and also disclose that all of the components are connected together using an IEEE 1394 Firewire bus, therefore providing a high speed data bus that links all of the components together for communication (see Column 4, Lines 22-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the bus interface, as taught by the combination of Schein and Kaplan, using the IEEE 1394 bus interface, as taught by Sampsell, for the purpose of providing a high bandwidth interface used to transport audio/video signals in addition to the channel information and therefore allows detailed information related to the programming available from the peripheral to be mapped onto the EPG button selections (see Column 9, Lines 34-36 and Lines 52-55 of Sampsell).

Claim 4 corresponds to claim 3, where Sampsell inherently teaches, by the use of an IEEE 1394 bus interface, that when any of the components (including the digital video receiver) transmits data to another component in the system using a clock signal, the clock signal is required for any type of data bus interaction from one component to another to assure that the receiving device can interpret the transmitted data signal properly.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

March 17, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the typed name and title.